Eight Mile Style, LLC et al v. Apple Computer, Incorporated
Doc. 40 Att. 3

EXHIBIT 2

April 16, 2008, 6:24 AM email from Richard Busch

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From: Richard Busch [rbusch@kingballow.com]
Sent: Wednesday, April 16, 2008 6:24 AM
To: Klaus, Kelly; Marc Guilford; Encinas, Kimberly; Pomerantz, Glenn; dquick@dickinsonwright.com
Cc: Ramona DeSalvo; hhertz@hertzschram.com; Eight Mile Corresp
Subject: RE: Eight Mile Style v. Apple - meet and confer

Kelly:

As we discussed, I am writing to address certain of the issues that arose during our meet and confer process. I will be sending another email later today on other topics addressed in our meet and confer. Please let me know the position of your clients on these points as soon as you can, so we can act to protect our rights if need be:

(1) in response to certain of our requests, you asked whether we would agree to allow you to search the files of certain individuals to determine whether your client had responsive information concerning the Eminem songs. We advised that this was not acceptable, but we would be willing to modify our broad requests seeking all documents pertaining to the Eminem songs to certain categories of information. Those categories are as follows: (1) any documents concerning whether there was a need to obtain a publishing or mechanical license from plaintiffs; (2) any publishing or mechanical licenses allegedly obtained; (4))whether plaintiffs had executed/ returned such licenses (4) any analysis of the controlled composition clause and what the language allows versus other Aftermath controlled composition clauses; (5) any communications with Joel on these topics; (6) financial documents from Apple relating to the songs themselves, as well as their accounting to UMG or Aftermath' and (7) the number of downloads of the songs and the dates thereof.

Please let me know if you will agree to provide the information above. Please also understand that plaintiffs reserve the right to add to this list if we discover that an item was inadvertently left off.

During our meet and confer you also asked me whether we would be satisfied with receiving examples of the evolution of controlled composition clauses in just Aftermath agreements in accordance with the terms of our request, or we wanted the request to be answered with respect to each UMG entity. Depending upon what we receive, we would be satisfied, subject to viewing what you produce, with you producing the examples requested of Aftermath Agreements.

I will be sending another email later today addressing other of the items we discussed in our meet and confer.

Richard S. Busch
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rbusch@kingballow.com

From: Klaus, Kelly [mailto:Kelly.Klaus@mto.com]
Sent: Tuesday, April 15, 2008 11:05 AM
To: Marc Guilford; Encinas, Kimberly; Pomerantz, Glenn; dquick@dickinsonwright.com
Cc: Ramona DeSalvo; hhertz@hertzschram.com; Richard Busch; Eight Mile Corresp
Subject: RE: Eight Mile Style v. Apple - Protective Order

Marc:

Thank you for doing the first revisions to the draft protective order. I have made a few changes in blueline in the attached that I think should be non-controversial. (Clean copy accepting these changes also attached.) Let me know if you would like to discuss.

Thanks again,
Kelly

From: Marc Guilford [mailto:mguilford@KingBallow.com]
Sent: Friday, April 04, 2008 10:27 AM
To: Klaus, Kelly; Encinas, Kimberly; Pomerantz, Glenn; dquick@dickinsonwright.com
Cc: Ramona DeSalvo; hhertz@hertzschram.com; Richard Busch
Subject: Eight Mile Style v. Apple - Protective Order

Counsel,

I have attached a copy of the Proposed Protective Order revised for use in the Eight Mile Case. I have also attached a blacklined version showing the changes from the Proposed Protective Order that was filed in FBT v. Aftermath. The only substantive changes are found in paragraphs 4 and 9. The blacklined version does not show all of the formatting changes from the C.D. Cal. version (margins, line numbers, font size, etc.).

Paragraph 4 was simplified due to the fact that a Protective Order is now in place in the F.B.T. case. Paragraph 9 was altered because it appears that Local Rules do not require an application to file under seal once a Protective Order is in place.

Please let us know your thoughts and comments,

Marc R. Guilford
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